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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 AERO PRODUCTS INTERNATIONAL )  
 INC., et al., )  
 )  
 Defendants. )

No. C 10-2994 JF

**[PROPOSED] ORDER GRANTING  
 UNITED STATES OF AMERICA'S  
 MOTION FOR CERTIFICATION AND  
 LEAVE TO INTERVENE**

Date: December 10, 2010\*\*

Time: 9:00 a.m.

Ctrm: 3, 5<sup>th</sup> Floor

Hon. Jeremy Fogel

\*\* Neither the Court's staff nor Defendants  
 responded to queries about this date made  
 on 11/4/10

The United States of America's motion for an order certifying a constitutional question to the Attorney General and for leave to intervene to defend the constitutionality of 35 U.S.C. § 292, having regularly come on for hearing before the Court, and having read and considered the papers submitted in support thereof and in opposition thereto, and the parties having been afforded the opportunity to be heard, and good cause appearing therefor, the Court grants the motion of the United States and orders as follows:

1. The Clerk shall send this order to the Attorney General, which hereby certifies pursuant to 28 U.S.C. § 2403 that the constitutionality of 35 U.S.C. § 292, a statute affecting the public interest, has been called into question.

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3. Intervenor the United States shall have twenty-one days following the entry of this order to file a brief defending the constitutionality of 35 U.S.C. § 292.

7 IT IS SO ORDERED.

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